

KODA LAW OFFICE19689 - 7th Avenue NE, No. 307
Poulsbo, Washington 98370Atty. Docket No. OT2.P17-4Date August 19, 2005In re application of Tidwell et al.Serial No. 10/824,845Filed: April 15, 2004Group Art Unit: 2673For: Scanned Beam Display with Focal Length AdjustmentCOMMISSIONER FOR PATENTS
Alexandria, VA 22313-1450I hereby certify that this paper is being transmitted
to the Patent and Trademark Office facsimile
number 703-872-9306 on August 19, 2005.

Number of Pages: -10-

By


Steven P. Koda**RECEIVED**
CENTRAL FAX CENTER**AUG 19 2005**

Sir:

Transmitted herewith is a Petition to Withdraw the Holding of Abandonment

☐ Enclosed is a petition to extend the time to respond.☒ Small entity status under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.☐ A verified statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27 is enclosed.☒ Copy of Notice of Change in Correspondence Address. Copy of Stamped Return Postcard. Exhibits A, B, C.

||

The filing fee has been calculated as shown below:

NO FEE IS DUE.

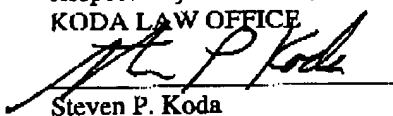
Please charge my Deposit Account No. 11-1420 as follows:

☒ No fee is due.☒ Please charge my Deposit Account No. 11-1420 as follows:☐ Claims fee

\$

☐ Extension Fee

\$

☒ Any additional fees associated with this paper.☐ A check for is enclosed copies of this sheet are enclosed.Respectfully Submitted,
KODA LAW OFFICE
Steven P. Koda

Reg. No. 32,252

Customer No. 21,450

8/19/2005

Tel: 206-686-3854

Fax: 206-686-3854

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Number of Pages: -10-

By

Steven P. Koda

8/19/05
PATENT
OT2.P17-4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tidwell et al.)	Examiner: Osorio, Ricardo
)	
Serial No.: 10/824,845)	Art Unit: 2673
)	
Filed: 04-15-04)	
)	
For: Scanned Beam Display)	
with Focal Length Adjustment)	

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for failure to timely pay the required issue fee and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance. The notice of abandonment indicates that the issue fee and publication fee were not received.

APPLICANT HEREBY PETITIONS, UNDER 37 CFR 1.181 AND MPEP 711.03(C)II,
TO WITHDRAW THE HOLDING OF ABANDONMENT BASED ON A FAILURE
TO RECEIVE THE OFFICE ACTION.

Serial No.: 10/824,845
Art Unit: 2673
Docket: OT2.P17-4

STATEMENT

1. I, the undersigned attorney am the proprietor of Koda Law Office and have been the attorney of record throughout the prosecution of the above-captioned matter.
2. I attest to making a search of my matter file for the above-captioned matter and of my docketing records. I further attest that I have found that a Notice of allowance was not received by me or Koda Law Office for this matter.
3. Attached as exhibit A is a copy of a Notice of Change in Correspondence Address mailed on December 31, 2004. Attached as exhibit B is a copy of the return post card stamped by the US PTO mail office indicating that the Notice of Change in Correspondence Address was received by the PTO on January 4, 2005.
4. A review of the online image file wrapper for the above-captioned application shows that the notice of allowance was mailed to an old address after the filing date of the Notice of Change in Correspondence Address. It is respectfully submitted that the Notice of Allowance was not forwarded to my new location, and thus was not received.
5. Attached as exhibit C are screen printouts of my docketing system evidencing that the Notice of Allowance was not received. The cover page of exhibit C is the main menu for my docket program. The second page is the docketing data entry screen for domestic patent prosecution. The third page shows the docket data for the above-captioned matter. You will note that a response to a non-final rejection was mailed on November 22, 2004. The last entry (other than for receipt of the notice of abandonment) for the matter shows that a change in correspondence address was filed on December 31, 2004. There is no entry for an issue fee being due. The fourth page shows the docket item screen for the filing of the notice of change in correspondence address.
6. According to my standard docketing procedure, had the notice of allowance been received, the office action would have been entered at the docketing data entry screen for domestic patent prosecution by selecting Notice of Allowance from a pull down menu under the heading 'Papers Received,' (see page 2 of exhibit C). In

Serial No.: 10/824,845
Art Unit: 2673
Docket: OT2.P17-4

response, the docket data for this matter would have shown an entry that the issue fee was due on a date calculated to be 3 months from the mailing date of the Notice of Allowance. See page 3 of exhibit C, and note that such an entry is not present. Also, the status for the matter would have changed from 'prosecution' to 'allowed.' See page 3 of exhibit C, and note that the status remains as 'prosecution.'

FEES

- ☒ No fee is due.
☒ Please charge my Deposit Account No. 11-1420 as follows:
 ☐ Claims fee \$
 ☐ Extension Fee \$
 ☒ Any additional fees associated with this paper.
☐ A check for --- is enclosed

Enclosures

- Exhibit A – Copy of Notice of Change in Correspondence Address
Exhibit B – Copy of return postcard stamped by PTO
Exhibit C – Screen shots from Koda Law Office practice management software.

Date: 8/19/2005
Koda Law Office
19689-7th Avenue NE, No. 307
Poulsbo, WA 98370
Tel: 206-686-3854
Fax: 206-686-3854

Respectfully submitted,
KODA LAW OFFICE

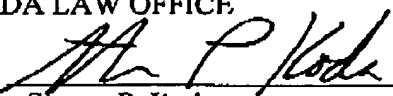
By: 
Steven P. Koda
Reg. No. 32,252
Customer No. 21450

Exhibit A

I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number 703-872-9308 on August 19, 2005.

No. of pages: -10-

By: SPKoda 8/19/05
Steven P. Koda

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Va. 22313-1450 on 12-31-2004.

By: SPKoda 12-31-2004
Steven P. KodaPATENT
OT2.P17-4IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tidwell et al.)	Examiner: Osorio, Ricardo
)	
Serial No.: 10/824,845)	Art Unit: 2673
)	
Filed: 04-15-04)	
)	
For: Scanned Beam Display)	
with Focal Length Adjustment)	

NOTICE OF CHANGE IN CORRESPONDENCE ADDRESS

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Please change the correspondence address for the above-referenced patent application to:

Steven P. Koda, Esq.
KODA LAW OFFICE
19689 - 7th Avenue NE, No. 307
Poulsbo, Washington 98370

Please direct communications to:

Steven P. Koda
206-686-3854 (Phone)
206-686-3854 (Fax)

Respectfully submitted,
KODA LAW OFFICE

Date: 12-31-2004By: SPKoda
Steven P. Koda
Reg. No. 32,252
Customer No. 21450

Click On Menu Selection

SETUP

TEST AVAILABLE COPY

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No. of pages: -10-

By: *Steven P. Koda* 8-15-05
Steven P. Koda

Exhibit C (4 pages) 10/824845

DATA ENTRY	SEARCH	REPORTS
Open New Client	Shows Client DB	Client Reports
Open New Matter	Shows Matter DB	Matter Reports
Open New Contact	Shows Contacts	Contacts Reports
Enter Conflict Data	Shows Conflict DB	Conflicts Reports
Enter Docket Data	Shows Docket DB	Docket Reports
		Print Matters

1 Select Desired Docket

2 Enter Data

3 Click button to see desired menu, then select from pop-up list

4 Click on Docket

Trademark Domestic

Trademark Foreign

Maintenance & Announcements

Litigation

8/5/2005

SPK

SPK

CANCEL

DOCKET

1 2 3 4 5 6

BEST AVAILABLE COPY

Exh. b.7 C 10/824, 845
- 2 -

Client Ref. No. **6863854** **SEARCH** **VIEW** **PRINT** **DETAILS** **REPORTS** **OPENING** **RECORD** **MAIL** **TO DO**

SEARCHING **RECORDS** **WITH** **LEGAL** **ADJUSTMENT** **PROSECUTION**

Client Ref. No. **6863854** **Resp. Atty.** **Working Atty.** **Open Date** **Close Date**

Docket Items

Due Date	Docket Item	Atty 1	Atty 2	Status	Date Done
6/15/2004	Status check postcard receipt	SPK	SPK	Completed	4/27/2004
9/15/2004	Status check: Filing receipt	SPK	SPK	Completed	7/13/2004
8/15/2004	File assignment of invention	SPK	SPK	Cancelled	
7/15/2004	File PTO-1449	SPK	SPK	Cancelled	
4/15/2005	File formal drawings before case issues	SPK	SPK	Completed	4/15/2004
10/15/2004	Inquire with client re foreign filing - First	SPK	SPK	Cancelled	
1/15/2005	Send client 2nd warning inquiry re: foreign	SPK	SPK	Cancelled	
3/15/2005	Send final notice inquiry re foreign filing	SPK	SPK	Cancelled	
4/15/2005	Foreign filing due date (assuming application)	SPK	SPK	Cancelled	
12/17/2004	Official Action Response Due - short date	SPK	SPK	Completed	11/22/04
1/17/2005	Official Action Response Due - 4 month date	SPK	SPK	Completed	11/22/04
2/17/2005	Official Action Response Due - 5 month date	SPK	SPK	Completed	11/22/04
3/17/2005	Official Action Response Due - Nonextendable	SPK	SPK	Completed	11/22/04
12/13/2004	Change of Correspondence Address Filed	SPK	SPK	Completed	12/13/04
8/27/2005	Respond to Notice of Abandonment	SPK	SPK	To Do	

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Exhibits 10/824,845
-3-

Docket Task Change of Correspondence Address Filed

OT2.P17-4
Matter ID

Scanning Beam Display with Focal Length Adjustment
Matter Title

SPK
Working Atty

SPK
Resp. Atty

Patent Domestic
Category

Due Date: 12/31/2004

Status: ☐ Pending ☐ Closed ☐ Cancelled

Completion/Close Date: 12/31/2004

Trigger/Mail Date: 12/31/2004

Trigger Event: Miscellaneous Docket Action

102

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Exhibit C

10/824,845

-4-